



10-25-04

IPW

Doc. No. 309553 WEMHH/SB/21 (10/03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

		Application Number	10/612,852
		Filing Date	July 3, 2003
		First Named Inventor	Joel S. Douglas
		Art Unit	3736
		Examiner Name	Charles Alan Marmor II
Total Number of Pages in This Submission		Attorney Docket Number	7404-543

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached (PTO-2038) <input checked="" type="checkbox"/> Amendment (Preliminary) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or individual name	Elizabeth A. Shuster, Reg. No. 52,672 Woodard, Emhardt, Moriarty, McNett & Henry LLP
Signature	
Date	October 22, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EV 433773349 US

Typed or printed name	Grace E. Kellermeier	Date	October 22, 2004
Signature			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

# FEE TRANSMISSION FOR FY 2004

Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

Total Amount of Payment (\$2,728.00)

### Complete if Known

Application Number	10/612,852
Filing Date	July 3, 2003
First Named Inventor	Joel S. Douglas
Group Art Unit	3736
Examiner Name	Charles Alan Marmor II
Attorney Docket Number	7404-543

### METHOD OF PAYMENT

Check  Credit card  Money  Other Order  None

#### Deposit Account:

Deposit Account Number

23-3030

Deposit Account Name

Woodard, Emhardt, Moriarty,  
McNett & Henry LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Entity Fee Code (\$)	Entity Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395 Utility Filing Fee	
1002	350	2002	175 Design Filing Fee	
1003	550	2003	275 Plant Filing Fee	
1004	790	2004	395 Reissue Filing Fee	
1005	160	2005	80 Provisional Filing Fee	
<b>SUBTOTAL (1)</b>				<b>(\$ 0.00)</b>

#### 2. EXTRA CLAIM FEES

Total Claims	67	-23** =	44	Extra Claims	Fee From Below	Fee Paid
Independent Claims	26	-4** =	22	X 18.00	= 792.00	
Multiple Dependent				X 88.00	= 1,936.00	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202	18	2202 9 Claims in excess of 20
1201	88	2201 44 Independent claims in excess of 3
1203	300	2203 150 Multiple dependent claim, if not paid
1204	88	2204 44 **Reissue independent claims over original patent
1205	18	2205 9 **Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$ 2,728.00)</b>

\*or number previously paid, if greater; For Reissues, see above

#### 3. ADDITIONAL FEES

Large Entity	Small Entity
--------------	--------------

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge – late filing fee or oath	
1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner's Action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,370	2453	685	Petition to revive – unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other Fee (specify)					
* Reduced by Basic Filing Fee Paid					
<b>SUBTOTAL (3)</b>					
<b>(\$ 0.00)</b>					

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

**(\$ 0.00)**

#### SUBMITTED BY:

Name (Print/Type): Elizabeth A. Shuster Registration No.: 52,672 Telephone: (317) 634-3456

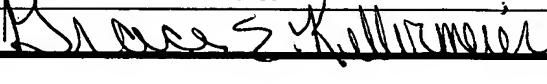
Signature: 

Date: October 22, 2004

### CERTIFICATE OF MAILING OR TRANSMISSION

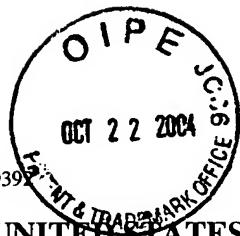
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to: Commissioner for Patents, Mail Stop Amendment, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type): Grace E. Kellermeier

Signature: 

Date: October 22, 2004

007404-000543.ESHUSTER.309392



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: )  
 Joel S. Douglas et al. ) Before the Examiner  
                             ) Charles Alan Marmor II  
                             )  
 Application No. 10/612,852 ) Group Art Unit 3736  
                             )  
 Filed July 3, 2003       )  
 METHODS AND APPARATUS   )  
 FOR SAMPLING AND       )  
 ANALYZING BODY FLUID   )

THIRD PRELIMINARY AMENDMENT

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Please enter the following Third Preliminary Amendment for the above-entitled patent application. The Commissioner is authorized to charge the amount of \$2,728.00 for the claims added herein to the credit card detailed on the attached form PTO-2038. No additional fees are believed to be necessary, however, should any fees be deemed required, the Commissioner is authorized to charge such fees to Deposit Account No. 23-3030, but is not to include payment of issue fees.

10/26/2004 CCHAU1 00000101 10612852

01 FC:1202	792.00 OP
02 FC:1201	1936.00 OP

"Express Mail" label number EV 433773349 US  
 Date of Deposit October 22, 2004

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
 Name of person signing paper or fee